

**SCHIFFRIN BARROWAY
TOPAZ & KESSLER, LLP**

Alan R. Plutzik, Of Counsel (Bar No. 077785)
2125 Oak Grove Road, Suite 120
Walnut Creek, California 94589
Telephone: (925) 945-0770
Facsimile: (925) 945-8792

-and-

Eric L. Zagar
Robin Winchester
Nichole Browning
J. Daniel Albert
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

*Counsel for Plaintiffs Yenna Wu and Linda Erikson
and [Proposed] Lead Counsel*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

YENNA WU, Derivatively on Behalf of Nominal Defendant EXTREME NETWORKS, INC.) Case No. C 07-02268 RMW
Plaintiff,
v.
GORDON L. STITT, HERB SCHNEIDER, STEPHEN HADDOCK, PAUL ROMEO, VITO PALERMO, HAROLD COVERT, DARRELL SCHERBARTH, CHRISTOPHER N. TODD, ALEXANDER J. GRAY, FRANK C. CARLUCCI, WILLIAM R. SLAKEY, CHARLES CARINALLI, HARRY SILVERGLIDE, MICHAEL WEST, KENNETH LEVY, ROBERT L. COREY, PETER WOLKEN, and PROMOD HAQUE,) DECLARATION OF J. DANIEL ALBERT IN SUPPORT OF PLAINTIFFS YENNA WU AND LINDA ERIKSON'S MOTION TO CONSOLIDATE CASES AND TO APPOINT LEAD PLAINTIFFS AND LEAD COUNSEL, AND IN OPPOSITION TO THE MOTION OF FRANK A. GRUCEL, JR.
Defendants,
and
EXTREME NETWORKS, INC.,) Date: July 27, 2007
Nominal Defendant.) Time: 9:00 a.m.
Before: Hon. Ronald M. Whyte

DECLARATION OF J. DANIEL ALBERT IN SUPPORT OF PLAINTIFFS YENNA WU AND LINDA ERIKSON'S MOTION TO CONSOLIDATE CASES AND TO APPOINT LEAD PLAINTIFFS AND LEAD COUNSEL, AND IN OPPOSITION TO THE MOTION OF FRANK A. GRUCEL, JR.
CASE NO. C 07-02268 RMW

1 LINDA ERIKSON, Derivatively on Behalf of) Case No. C 07-02388 RMW
 2 Nominal Defendant EXTREME NETWORKS, INC.)
 3 Plaintiff,)
 4 v.)
 5 GORDON L. STITT, HERB SCHNEIDER,)
 6 STEPHEN HADDOCK, PAUL ROMEO, VITO)
 7 PALERMO, HAROLD COVERT, DARRELL)
 8 SCHERBARTH, CHRISTOPHER N. TODD,)
 9 ALEXANDER J. GRAY, FRANK C. CARLUCCI,)
 10 WILLIAM R. SLAKEY, CHARLES CARINALLI,)
 11 HARRY SILVERGLIDE, MICHAEL WEST,)
 12 KENNETH LEVY, ROBERT L. COREY, PETER)
 13 WOLKEN, and PROMOD HAQUE,)
 14 Defendants,)
 15 and)
 16 EXTREME NETWORKS, INC.,)
 17 Nominal Defendant.)

18 FRANK A. GRUCEL, JR., Derivatively on Behalf of) Case No. C 07-02848 RMW
 19 Nominal Defendant EXTREME NETWORKS, INC.)
 20 Plaintiff,)
 21 v.)
 22 GORDON L. STITT, MICHAEL WEST, WILLIAM)
 23 R. SLAKEY, MICHAEL J. PALU, ALEXANDER J.)
 24 GRAY, HERB SCHNEIDER, FRANK C.)
 25 CARLUCCI, STEVEN HADDOCK, ALICIA)
 26 JAYNE MOORE, HARRY SILVERGLIDE,)
 27 ROBERT L. COREY, KENNETH LEVY,)
 28 CHARLES P. CARINALLI, and PETER WOLKEN,)
 29 Defendants,)
 30 and)
 31 EXTREME NETWORKS, INC.,)
 32 Nominal Defendant.)

1 I, J. Daniel Albert, declare under penalty of perjury this 18th day of July, 2007:

2 1. I am an Associate at the law firm of Schiffren Barroway Topaz & Kessler, LLP. The
3 following facts are true to my own personal knowledge and, if called upon to do so, I could and would
4 completely testify to their truth. I submit this Declaration in Support of the Plaintiffs Yenna Wu's and
5 Linda Erikson's Motion to Consolidate Cases and to Appoint Lead Plaintiffs and Lead Counsel, and in
6 Opposition to the Motion of Frank A. Grucel, Jr.

7 2. Attached hereto as Exhibit A is a true and correct copy of the leadership structure order
8 in *In re Ditech Networks, Inc., Derivative Litigation*, Master File No. C 06-05157 JF (N.D. Cal. Nov.
9 29, 2006).

10 3. Attached hereto as Exhibit B is a true and correct copy of the leadership structure order
11 in *Dossett v. Cline, et al.*, Master File No. C 06-03484 JF (N.D. Cal. July 13, 2006).

12 4. Attached hereto as Exhibit C is a true and correct copy of the leadership structure order
13 in *Chu v. Hughes, et al.*, Master File No. C 06-3513 JF MHP (N.D. Cal. Aug. 10, 2006).

14 5. Attached hereto as Exhibit D is a true and correct copy of the leadership structure order
15 in *Hergotz v. Sola, et al.*, Master File No. C 06-3783 JF (N.D. Cal. Aug. 31, 2006).

16 6. Attached hereto as Exhibit E is a true and correct copy of the leadership structure order
17 in *Kalindjian v. Antle, et al.*, Master File No. C 06-3440 JF (N.D. Cal. Sept. 6, 2006).

18 I declare under penalty of perjury that the foregoing is true and correct to the best of my
19 knowledge, and that this Declaration was executed on July 18, 2007, at Radnor, Pennsylvania.

20
21 /s/ J. Daniel Albert
22 J. Daniel Albert
23
24
25
26
27
28

EXHIBIT A

1 DARRYL P. RAINS (State Bar No. 104802)
2 MORRISON & FOERSTER LLP
3 755 Page Mill Road
4 Palo Alto, California 94304-1018
Telephone: (650) 813-5600
Facsimile: (650) 494-0792
Email: DRains@mofo.com

5 DIANE E. PRITCHARD (State Bar No. 96999)
MORRISON & FOERSTER LLP
6 425 Market Street
San Francisco, CA 94105-2482
7 Telephone: (415) 268-7000
Facsimile: (415) 268-7522
8 Email: DPrichard@mofo.com

9 Attorneys for Defendants
10 TIMOTHY K. MONTGOMERY, WILLIAM J. TAMBLYN,
GREGORY M. AVIS, WILLIAM A. HASLER, ANDREI M.
MANOLIU, and DITECH NETWORKS, INC.

17 | In re DITECH NETWORKS, INC.
DERIVATIVE LITIGATION

Case No. C 06-05157 JF

This Document Relates To: All Actions

**STIPULATION AND
[PROPOSED] ORDER
(1) RELATING AND
CONSOLIDATING RELATED
ACTIONS, (2) APPOINTING CO-
LEAD PLAINTIFF AND CO-
LEAD PLAINTIFFS' COUNSEL,
AND (3) RE-SETTING CASE
MANAGEMENT CONFERENCE**

WHEREAS two actions were filed in this Court, *Donald W. Newman, Derivatively on Behalf of Nominal Defendant Ditech Networks, Inc. v. Timothy K. Montgomery, et al.* (Case No. C 06-05157 JF) ("Newman") and *James McKenna, Derivatively on Behalf of Nominal Defendant Ditech Networks, Inc. v. Timothy K. Montgomery, et al.* (Case No. C 06-05242 JF) ("McKenna").

1 which purport to be derivative actions brought on behalf of Ditech Networks, Inc. ("Ditech")
2 against various individuals alleging that those defendants engaged in the improper backdating of
3 certain stock option grants during the period 1999 through 2001; and

4 WHEREAS the *Newman* and *McKenna* actions already have been (i) related pursuant to
5 this Court's orders entered October 2, 2006 in those actions, and (ii) consolidated as *In re Ditech*
6 *Networks, Inc. Derivative Litigation* (Case No. C 06-05157 JF), pursuant to this Court's order
7 entered November 7, 2006, a copy of which is attached hereto as Exhibit A ("Consolidation
8 Order"); and

9 WHEREAS the Consolidation Order provides that "[a]ny other actions now pending or
10 later filed in this Court which arise out of or are related to the same facts as alleged in [*Newman*
11 and *McKenna*] shall be consolidated for all purposes, if and when they are brought to the Court's
12 attention" (Exh. A at ¶ 2); and

13 WHEREAS a new action, entitled *Kenneth Lau, Derivatively on Behalf of Ditech*
14 *Networks, Inc. v. Timothy K. Montgomery, et al.* (Case No. C 06-6877 PVT) ("*Lau*"), has been
15 filed in this Court; and

16 WHEREAS the *Lau* complaint also purports to be brought derivatively on behalf of
17 Ditech, against many of the same defendants as the *Newman* and *McKenna* cases, and seeks relief
18 on behalf of the company arising out of alleged improper backdating of stock option grants since
19 1999; and

20 WHEREAS *Lau* arises out of or is related to the same facts as *Newman* and *McKenna* (see
21 Exh. A at ¶ 2), the actions concern substantially the same parties, property, transaction or event,
22 and it appears likely that there will be an unduly burdensome duplication of labor and expense if
23 the cases are conducted before different judges (see Civil L. R. 3-12(a)); and

24 WHEREAS Lerach Coughlin Stoia Geller Rudman & Robbins, Counsel for plaintiff
25 Kenneth Lau, and Schiffrin & Barroway, Counsel for plaintiffs Donald W. Newman and James
26 McKenna, have agreed to a structure by which Lau, Newman and McKenna will be Lead
27 Plaintiffs, with their counsel Lerach Coughlin and Schiffrin & Barroway serving as Co-Lead
28 Counsel in this action; and

1 WHEREAS nominal defendant Ditech Networks, Inc. takes no position as to the
2 appointment of Kenneth Lau, Donald W. Newman and James McKenna as Lead Plaintiffs and
3 Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Schiffrian & Barroway, LLP as Co-
4 Lead Counsel; and

5 WHEREAS a case management conference date set in one of the two originally
6 consolidated actions was vacated, but a case management conference set for December 1, 2006 in
7 the other action was not vacated; and

8 WHEREAS the Consolidation Order provides for the filing of a Consolidated Complaint
9 by December 22, 2006, with a response to the Consolidated Complaint due 45 days after the
10 service of the Consolidated Complaint, and sets out a briefing schedule for any motion to dismiss
11 (*see* Exh. A at ¶¶ 16-19); and

12 WHEREAS the parties believe it would serve the interests of judicial efficiency and
13 effective case management to conduct the case management conference after the *Lau* action has
14 been consolidated in this proceeding,

15 NOW, THEREFORE, IT IS HEREBY STIPULATED by and among plaintiff Donald W.
16 Newman, plaintiff James McKenna, plaintiff Kenneth Lau, and defendant Ditech, through their
17 respective counsel of record, as follows:

18 1. The *Lau* action should be related to and consolidated for all purposes with *In re*
19 *Ditech Networks, Inc. Derivative Litigation*, Case No. C 06-05157 JF, pursuant to the Court's
20 Consolidation Order, and all pleadings in *Lau* shall be filed in conformity with the Court's
21 Consolidation Order.

22 2. A Consolidated Complaint including the *Newman*, *McKenna* and *Lau* claims,
23 which will supersede all existing complaints, including the *Lau* complaint, shall be filed and
24 served no later than December 22, 2006.

25 3. The case management conference previously set in one of the consolidated actions
26 for December 1, 2006 at 10:30 a.m. should be re-set in the consolidated actions for February 23,
27 2007 at 10:30 a.m., in the Courtroom of the Honorable Jeremy Fogel.

28

1 Dated: November 28, 2006

SCHIFFRIN & BARROWAY LLP
ERIC L. ZAGAR
SANDRA G. SMITH

3 Proposed Co-Lead Counsel for Plaintiffs

4 - and -

5 BRAMSON, PLUTZIK, MAHLER &
6 BIRKHAEUSER, LLP
7 ALAN R. PLUTZIK
L. TIMOTHY FISHER
KATHRYN A. SCHOFIELD

8 Counsel for Plaintiffs Donald W. Newman
9 and James McKenna

10 By _____ s/ Sandra G. Smith

12 Dated: November 28, 2006

13 LERACH COUGHLIN STOIA GELLER
14 RUDMAN & ROBBINS LLP
WILLIAMS S. LERACH
DARREN J. ROBBINS
TRAVIS E. DOWNS III
SHAWN A. WILLIAMS

15 Proposed Co-Lead Counsel for Plaintiffs

16 - and -

17 SHUMAN & BERENS LLP
18 KIP B. SHUMAN

19 Counsel for Plaintiff Kenneth Lau

21 By _____ s/ Aelish Baig

1 Dated: November 28, 2006

MORRISON & FOERSTER LLP
DARRYL P. RAINS
DIANE E. PRITCHARD

4 By s/ Diane E. Pritchard
5 Diane E. Pritchard
6 Counsel for Defendants DITECH
7 NETWORKS, INC., TIMOTHY K.
8 MONTGOMERY, WILLIAM J.
9 TAMBLYN, GREGORY M. AVIS,
10 WILLIAM A. HASLER, and ANDREI M.
11 MANOLIU

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Diane E. Pritchard, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order (1) Relating and Consolidating Related Actions, (2) Appointing Co-Lead Plaintiff and Co-Lead Plaintiffs' Counsel, and (3) Re-Setting Case Management Conference. In compliance with General Order 45, X.B., I hereby attest that Sandra G. Smith and Aelish Baig, attorneys for plaintiffs, have concurred in this filing.

Dated: November 28, 2006

MORRISON & FOERSTER LLP
DARRYL P. RAINS
DIANE E. PRITCHARD

By s/ Diane E. Pritchard
Diane E. Pritchard
Counsel for Defendants DITECH
NETWORKS, INC., TIMOTHY K.
MONTGOMERY, WILLIAM J.
TAMBLYN, GREGORY M. AVIS,
WILLIAM A. HASLER, and ANDREI M.
MANOLIU

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/28/06

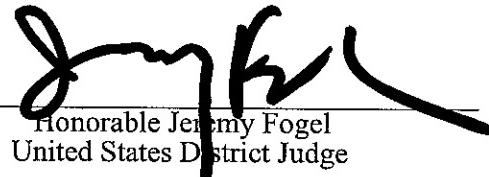

Honorable Jeremy Fogel
United States District Judge

EXHIBIT B

1 LERACH COUGHLIN STOIA GELLER
2 RUDMAN & ROBBINS LLP
3 WILLIAM S. LERACH (68581)
DARREN J. ROBBINS (168593)
TRAVIS E. DOWNS III (148274)
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
billl@lerachlaw.com
darrenr@lerachlaw.com
travisd@lerachlaw.com

**E-filed
7/13/06**

7 SCHIFFRIN & BARROWAY, LLP
8 ERIC L. ZAGAR
SEAN M. HANLDER
9 280 King of Prussia Road
Radnor, PA 19087
10 Telephone: 610/667-7706
610/667-7056 (fax)

11 [Proposed] Co-Lead Counsel for Plaintiffs

12
13 UNITED STATES DISTRICT COURT
14
NORTHERN DISTRICT OF CALIFORNIA
15
SAN JOSE DIVISION

16 KENNETH DOSSETT, Derivatively on Behalf) No. 5:06-cv-03484-JF
of Nominal Defendant McAFFEE, INC.,)
17 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
18 vs.) CONSOLIDATING CASES FOR ALL
19 DENNIS L. CLINE, et al.,) PURPOSES, APPOINTING LEAD
Defendants,) PLAINTIFFS AND CO-LEAD COUNSEL,
– and –) AND SETTING SCHEDULE FOR FILING
22 McAFFEE, INC.,) OF CONSOLIDATED COMPLAINT
23 Nominal Defendant.)
24

25 [Caption continued on following page.]
26
27
28

1 HEAVY & GENERAL LABORERS') No. 5:06-cv-03620-JF
2 LOCALS 472 & 172 PENSION & ANNUITY)
3 FUNDS, Derivatively on Behalf of McAfee,)
4 INC.,)
5 Plaintiff,)
6 vs.)
7 GEORGE SAMENUK, et al.,)
8 Defendants,)
9 -- and --)
10 McAfee, INC., a Delaware corporation,)
11 Nominal Defendant.)

1 WHEREAS, there are two related shareholder derivative actions on behalf of nominal
 2 defendant McAfee, Inc. pending before this Court:

Abbreviated Case Name	Case Number	Date Filed
<i>Dossett v. Cline, et al.</i>	5:06-cv-03484-JF	05/31/06
<i>Heavy & General Laborers' Locals 472 & 172 Pension & Annuity Funds v. Samenuk, et al.</i>	5:06-cv-03620-JF	06/07/06

6 WHEREAS, the two related *McAfee* shareholder derivative actions arise out of the same
 7 transactions and occurrences and involve the same or substantially similar issues of law and fact,
 8 and, therefore, should be consolidated for all purposes under Federal Rule of Civil Procedure 42(a);
 9 and

10 WHEREAS, defendants take no position as to the appointment of the Heavy & General
 11 Laborers' Local 472 & 172 Pension & Annuity Funds and Kenneth Dossett as Lead Plaintiffs and
 12 Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Schiffrin & Barroway, LLP as Lead
 13 Counsel.

14 THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs and defendants, through
 15 their respective counsel of record, as follows:

16 **I. CONSOLIDATION OF ACTIONS**

17 1. The following actions are hereby consolidated for all purposes, including pretrial
 18 proceedings, trial and appeal:

Abbreviated Case Name	Case Number	Date Filed
<i>Dossett v. Cline, et al.</i>	5:06-cv-03484-JF	05/31/06
<i>Heavy & General Laborers' Locals 472 & 172 Pension & Annuity Funds v. Samenuk, et al.</i>	5:06-cv-03620-JF	06/07/06

22 2. The caption of these consolidated actions shall be "*In re McAfee, Inc. Derivative*
 23 *Litigation*" and the files of these consolidated actions shall be maintained in one file under Master
 24 File No. 5:06-cv-03484-JF. Any other actions now pending or later filed in this Court which arise
 25 out of or are related to the same facts as alleged in the above-identified cases shall be consolidated
 26 for all purposes, if and when they are brought to the Court's attention.

3. Every pleading filed in the consolidated actions, or in any separate action included
herein, shall bear the following caption:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

6 In re McAFFEE, INC. DERIVATIVE) Master File No. 5:06-cv-03484-JF
7 LITIGATION)
8 _____)
9 This Document Relates To:)

10 4. When a pleading is intended to be applicable to all actions governed by this Order,
11 the words "All Actions" shall appear immediately after the words "This Document Relates To:" in
12 the caption set out above. When a pleading is intended to be applicable to only some, but not all, of
13 the consolidated actions, this Court's docket number for each individual action to which the pleading
14 is intended to be applicable and the abbreviated case name of said action shall appear immediately
15 after the words "This Document Relates To:" in the caption described above (e.g., "No. 5:06-cv-
03484-JF, *Dossett v. Cline, et al.*").

17 5. A Master Docket and a Master File hereby are established for the above consolidated
proceedings and for all other related cases filed in or transferred to this Court. Separate dockets shall
18 continue to be maintained for each of the individual actions hereby consolidated, and entries shall be
19 made in the docket of each individual case in accordance with the regular procedures of the clerk of
20 this Court, except as modified by this Order.

22 6. When a pleading is filed and the caption shows that it is applicable to "All Actions,"
23 the clerk shall file such pleading in the Master File and note such filing on the Master Docket. No
further copies need be filed, and no other docket entries need be made.

7. When a pleading is filed and the caption shows that it is to be applicable to fewer than
all of the consolidated actions, the clerk will file such pleading in the Master File only but shall
docket such filing on the Master Docket and the docket of each applicable action.

1 8. When a case which properly belongs as part of *In re McAfee, Inc. Derivative*
2 *Litigation* is filed in this Court or transferred to this Court from another court and assigned to Judge
3 Fogel, the clerk of this Court shall:

- 4 (a) Place a copy of this Order in the separate file for such action;
5 (b) Mail to the attorneys for the plaintiff(s) in the newly-filed or transferred case a
6 copy of this Order and direct that this Order be served upon or mailed to any new defendant(s) or
7 their counsel in the newly-filed or transferred case; and
8 (c) Make an appropriate entry on the Master Docket. This Court requests the
9 assistance of counsel in calling to the attention of the clerk of this Court the filing or transfer of any
10 case which properly might be consolidated as part of *In re McAfee, Inc. Derivative Litigation*.

11 **II. APPOINTMENT OF LEAD DERIVATIVE PLAINTIFFS AND CO-LEAD
12 DERIVATIVE COUNSEL**

13 9. Plaintiffs, Heavy & General Laborers' Locals 472 & 172 Pension & Annuity Funds
14 and Kenneth Dossett, shall be appointed Lead Plaintiffs.

15 10. The law firms of Lerach Coughlin Stoia Geller Rudman & Robbins LLP and
16 Schiffrin & Barroway, LLP shall be appointed Co-Lead Counsel for plaintiffs in the consolidated
17 *McAfee* shareholder derivative actions.¹

18 11. Co-Lead Counsel shall have authority to speak for plaintiffs in matters regarding
19 pretrial and trial procedure and settlement negotiations, and shall make all work assignments in such
20 manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative
21 or unproductive effort.

22 12. Co-Lead Counsel shall be responsible for coordination of all activities and
23 appearances on behalf of plaintiffs and for the dissemination of notices and orders of this Court. No

24
25
26 ¹ Defendants take no position as to the appointment of the Heavy & General Laborers' Local
27 472 & 172 Pension & Annuity Funds and Kenneth Dossett as Lead Plaintiffs and Lerach Coughlin
28 Stoia Geller Rudman & Robbins LLP and Schiffrin & Barroway, LLP as Lead Counsel.

1 motion, request for discovery or other pretrial proceedings shall be initiated or filed by plaintiffs
2 except through Co-Lead Counsel.

3 13. Co-Lead Counsel also shall be available and responsible for communications to and
4 from this Court. Co-Lead Counsel shall be responsible for the creation and maintenance of a master
5 service list of all parties and their respective counsel.

6 14. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel, or
7 other duly authorized representatives of plaintiffs, and such agreements shall be binding on
8 plaintiffs.

9 | III. SCHEDULE

10 15. Plaintiffs shall no later than 60 days from the entry of this Order file and serve a
11 Consolidated Complaint which will supersede all existing complaints filed in these actions.
12 Defendants need not respond to any of the pre-existing complaints. Service, pursuant to Rule 4 of
13 the Federal Rules of Civil Procedure, of any of the pre-existing complaints on any of the defendants,
14 or their counsel, shall constitute sufficient service on that defendant. Service shall be effected with
15 respect to any defendant named in any of the consolidated actions by serving the Consolidated
16 Complaint on that defendant's counsel.

16. Each defendant shall answer or otherwise respond to the Consolidated Complaint no
17 later than 45 days from the date of service. In the event that defendants file and serve any motion
18 directed at the Consolidated Complaint, plaintiffs shall file and serve their opposition within 45 days
19 after the service of defendants' motion. If defendants file and serve a reply to plaintiffs' opposition,
20 they will do so within 15 days after service of the opposition.

22 IT IS SO STIPULATED.

23 | DATED: July 10, 2006

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
WILLIAM S. LERACH
DARREN J. ROBBINS
TRAVIS E. DOWNS III

s/ TRAVIS E. DOWNS III
TRAVIS E. DOWNS III

1
2 655 West Broadway, Suite 1900
3 San Diego, CA 92101
4 Telephone: 619/231-1058
5 619/231-7423 (fax)

6 *I, Travis E. Downs III, am the ECF user whose ID and password are being used to file this*
7 *STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby*
8 *attest that Sean M. Handler has concurred in this filing.*

9
10 DATED: July 10, 2006

11 SCHIFFRIN & BARROWAY, LLP
12 ERIC L. ZAGAR
13 SEAN M. HANDLER

14

s/ SEAN M. HANDLER
15 SEAN M. HANDLER

16 280 King of Prussia Road
17 Radnor, PA 19087
18 Telephone: 610/667-7706
19 610/667-7056 (fax)

20 [Proposed] Co-Lead Counsel for Plaintiffs

21 GREEN WELLING, LLP
22 ROBERT S. GREEN
23 595 Market Street, Suite 2750
24 San Francisco, CA 94105
25 Telephone: 415/477-6700
26 415/477-6710 (fax)

27 Attorneys for Plaintiffs

28 *I, Travis E. Downs III, am the ECF user whose ID and password are being used to file this*
29 *STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby*
30 *attest that Gregory L. Watts has concurred in this filing.*

31 DATED: July 10, 2006

32 WILSON SONSINI GOODRICH & ROSATI
33 BORIS FELDMAN
34 NINA F. LOCKER
35 GREGORY L. WATTS

36

s/ GREGORY L. WATTS
37 GREGORY L. WATTS

1

650 Page Mill Road
Palo Alto, CA 94304
Telephone: 650/493-9300
650/493-6811 (fax)

4

Counsel for Nominal Defendant McAfee, Inc.
and Individual Defendants George Samenuk, Eric
F. Brown, Kevin Weiss, Leslie G. Denend,
Robert M. Cutkowsky, Denis O'Leary, Robert
W. Pangia, Robert B. Bucknam, Liane Wilson,
and Dale L. Fullers

5

6

7

* * *

8

9

O R D E R

10

PURSUANT TO STIPULATION, IT IS SO ORDERED.

11

DATED: 7/12/06


THE HONORABLE JEREMY FOGEL
UNITED STATES DISTRICT JUDGE

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

S:\CasesSD\McAfee Derivative\STP00032444.doc

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ TRAVIS E. DOWNS III
TRAVIS E. DOWNS III

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
E-mail: Travisd@lerachlaw.com

Mailing Information for a Case 5:06-cv-03484-JF

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Clay Basser-Wall**
cbasserwall@wsgr.com
- **Robert S. Green**
RSG@CLASSCOUNSEL.COM CAND.USCOURTS@CLASSCOUNSEL.COM
- **Avin P. Sharma**
aps@classcounsel.com CAND.USCOURTS@CLASSCOUNSEL.COM
- **Gregory L. Watts**
gwatts@wsgr.com lbeltran@wsgr.com
- **Eric L. Zagar**
ezagar@sbcclasslaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

James H Miller
Schriffrin & Barroway LLP
280 King of Prussia Road
Radnor, PA 19087

EXHIBIT C

1

2

3

4

5

6

E-filed 8/10/06

7

8

9

10

11

12

13

14

15

HOWARD CHU, Derivatively On Behalf of)
16 Nominal Defendant RAMBUS INC.,)

) No. C-06-3513-JF

17 Plaintiff,)

) [PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTIONS TO
CONSOLIDATE RELATED CASES AND
APPOINT LEAD PLAINTIFF AND LEAD
COUNSEL

18 vs.)

19 HAROLD HUGHES, et al.,)

20 Defendants,)

21 – and –)

22 RAMBUS INC.,)

23 Nominal Defendant.)

24 _____
[Caption continued on following page.]

25

26

27

28

1 ROLAND BIBEAU, Derivatively On Behalf of) No. C-06-3921-JF
2 Nominal Defendant RAMBUS INC.,)
3 Plaintiff,)
4 vs.)
5 HAROLD HUGHES, et al.,)
6 Defendants,)
7 – and –)
8 RAMBUS INC.,)
9 Nominal Defendant.)
10 GAETANO RUGGIERI, Derivatively On) No. C-06-4153-RMW
11 Behalf of RAMBUS INC.,)
12 Plaintiff,)
13 vs.)
14 HAROLD HUGHES, et al.,)
15 Defendants,)
16 – and –)
17 RAMBUS INC., a Delaware corporation,)
18 Nominal Defendant.)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

Motions to Consolidate Actions and Appoint Lead Plaintiff and Lead Counsel (the "Motions") came on for hearing in the ordinary course. Having considered the papers submitted in support of and in response to the Motions, the argument of counsel, if any, and for good cause shown, the Court ORDERS as follows:

5 I. CONSOLIDATION OF ACTIONS

6 1. The following actions are hereby consolidated for all purposes, including pretrial
7 proceedings, trial and appeal:

	<u>Abbreviated Case Name</u>	<u>Case Number</u>	<u>Date Filed</u>
8	<i>Chu v. Hughes, et al.</i>	C 06-3513-JF	March 31, 2006
9	<i>Bibeau v. Hughes et al.</i>	C 06-3921-JF	June 23, 2006
10	<i>Ruggieri v. Hughes, et al.</i>	C 06-4153-RMW	July 5, 2006

12 2. The caption of these consolidated actions shall be "*In re Rambus Inc. Derivative*
13 *Litigation*" and the files of these consolidated actions shall be maintained in one file under Master
14 File No. C-06-3513-JF. Any other actions now pending or later filed in this Court which arise out of
15 or are related to the same facts as alleged in the above-identified cases shall be consolidated for all
purposes, if and when they are brought to the Court's attention.

17 3. Every pleading filed in the consolidated actions, or in any separate action included
herein, shall bear the following caption:

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

22 In re RAMBUS INC. DERIVATIVE LITIGATION) Master File No. C-06-3513-JF
23 _____)
24 This Document Relates To:)

25 4. When a pleading is intended to be applicable to all actions governed by this Order,
26 the words "All Actions" shall appear immediately after the words "This Document Relates To:" in
27 the caption set out above. When a pleading is intended to be applicable to only some, but not all, of
28 the consolidated actions, this Court's docket number for each individual action to which the pleading

1 is intended to be applicable and the abbreviated case name of said action shall appear immediately
2 after the words "This Document Relates To:" in the caption described above (e.g., "No. 5:06-cv-
3 03921-JF, *Bibeau v. Hughes, et al.*").

4 5. A Master Docket and a Master File hereby are established for the above consolidated
5 proceedings and for all other related cases filed in or transferred to this Court. Separate dockets shall
6 continue to be maintained for each of the individual actions hereby consolidated, and entries shall be
7 made in the docket of each individual case in accordance with the regular procedures of the clerk of
8 this Court, except as modified by this Order.

9 6. When a pleading is filed and the caption shows that it is applicable to "All Actions,"
10 the clerk shall file such pleading in the Master File and note such filing on the Master Docket. No
11 further copies need be filed, and no other docket entries need be made.

12 7. When a pleading is filed and the caption shows that it is to be applicable to fewer than
13 all of the consolidated actions, the clerk will file such pleading in the Master File only but shall
14 docket such filing on the Master Docket and the docket of each applicable action.

15 8. When a case which properly belongs as part of *In re Rambus Inc. Derivative*
16 *Litigation* is filed in this Court or transferred to this Court from another court and assigned to Judge
17 Fogel, the clerk of this Court shall:

18 (a) Place a copy of this Order in the separate file for such action;

19 (b) Mail to the attorneys for the plaintiff(s) in the newly-filed or transferred case a
20 copy of this Order and direct that this Order be served upon or mailed to any new defendant(s) or
21 their counsel in the newly-filed or transferred case; and

22 (c) Make an appropriate entry on the Master Docket. This Court requests the
23 assistance of counsel in calling to the attention of the clerk of this Court the filing or transfer of any
24 case which properly might be consolidated as part of *In re Rambus Inc. Derivative Litigation*.

25 **II. APPOINTMENT OF LEAD PLAINTIFFS AND LEAD COUNSEL**

26 9. Plaintiffs Howard Chu and Gaetano Ruggieri shall be appointed Lead Plaintiffs.
27

1 10. The law firms of Lerach Coughlin Stoia Geller Rudman & Robbins LLP and
2 Schiffrin & Barroway, LLP shall be appointed Lead Counsel for plaintiffs in the consolidated
3 Rambus shareholder derivative actions.

4 11. Lead Counsel shall have authority to speak for plaintiffs in matters regarding pretrial
5 and trial procedure and settlement negotiations, and shall make all work assignments in such manner
6 as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or
7 unproductive effort.

8 12. Lead Counsel shall be responsible for coordination of all activities and appearances
9 on behalf of plaintiffs and for the dissemination of notices and orders of this Court. No motion,
10 request for discovery or other pretrial proceedings shall be initiated or filed by plaintiffs except
11 through Lead Counsel.

12 13. Lead Counsel also shall be available and responsible for communications to and from
13 this Court. Lead Counsel shall be responsible for the creation and maintenance of a master service
14 list of all parties and their respective counsel.

15 14. Defendants' counsel may rely upon all agreements made with Lead Counsel, or other
16 duly authorized representatives of plaintiffs, and such agreements shall be binding on plaintiffs.

17 **III. SCHEDULE**

18 15. Plaintiffs shall no later than 45 days from the entry of this Order file and serve a
19 Consolidated Complaint which will supersede all existing complaints filed in these actions.
20 Defendants need not respond to any of the pre-existing complaints. Service, pursuant to Rule 4 of
21 the Federal Rules of Civil Procedure, of any of the pre-existing complaints on any of the defendants,
22 or their counsel, shall constitute sufficient service on that defendant. Service shall be effected with
23 respect to any defendant named in any of the consolidated actions by serving the Consolidated
24 Complaint on that defendant's counsel.

25 16. Each defendant shall answer or otherwise respond to the Consolidated Complaint no
26 later than 45 days from the date of service. In the event that defendants file and serve any motion
27 directed at the Consolidated Complaint, plaintiffs shall file and serve their opposition within 45 days
28

1 after the service of defendants' motion. If defendants file and serve a reply to plaintiffs' opposition,
2 they will do so within 15 days after service of the opposition.

3 IT IS SO ORDERED.

4 DATED: 8/9/06

5
6 THE HONORABLE JEREMY FOGEL
7 UNITED STATES DISTRICT JUDGE



8 Submitted by:

9 LERACH COUGHLIN STOIA GELLER
10 RUDMAN & ROBBINS LLP
DARREN J. ROBBINS
TRAVIS E. DOWNS III
BENNY C. GOODMAN III
THOMAS G. WILHELM

11 s/ TRAVIS E. DOWNS III

12 TRAVIS E. DOWNS III

13 655 West Broadway, Suite 1900
San Diego, CA 92101
14 Telephone: 619/231-1058
619/231-7423 (fax)

15 LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
16 SHAWN A. WILLIAMS
17 100 Pine Street, Suite 2600
San Francisco, CA 94111
18 Telephone: 415/288-4545
415/288-4534 (fax)

19 SCHIFFRIN & BARROWAY, LLP
20 ERIC L. ZAGER
SEAN M. HANDLER
21 280 King of Prussia Road
Radnor, PA 19087
22 Telephone: 610/667-7706
610/667-7056 (fax)

23 [Proposed] Lead Counsel for Plaintiffs

24 S:\CasesSD\Rambus Derivative\ORD 00033487 (Non_Opp).doc

25

26

27

28

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTIONS TO CONSOLIDATE
RELATED CASES & APPOINT LEAD PLAINTIFF AND LEAD COUNSEL - C-06-3513-JF

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ TRAVIS E. DOWNS III
TRAVIS E. DOWNS III

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
E-mail: travisd@lerachlaw.com

Mailing Information for a Case 5:06-cv-03513-JF

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Patrice L. Bishop**
service@ssbla.com
- **Travis E. Downs, III**
travisd@lerachlaw.com e_file_sd@lerachlaw.com
- **Randolph Gaw**
rgaw@wsgr.com lmontoya@wsgr.com
- **Robert S. Green**
RSG@CLASSCOUNSEL.COM CAND.USCOURTS@CLASSCOUNSEL.COM
- **Sean M. Handler, Esq**
ecf_filings@sbclasslaw.com nwortman@sbclasslaw.com
- **Todd Mosser**
tmosser@sbclasslaw.com dpotts@sbclasslaw.com
- **Eric L. Zagar**
ezagar@sbclasslaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)

EXHIBIT D

1 LERACH COUGHLIN STOIA GELLER
2 RUDMAN & ROBBINS LLP
3 SHAWN A. WILLIAMS (213113)
4 MARIA V. MORRIS (223903)
5 MONIQUE C. WINKLER (213031)
6 100 Pine Street, Suite 2600
7 San Francisco, CA 94111
8 Telephone: 415/288-4545
9 415/288-4534 (fax)
10 shawnw@lerachlaw.com
11 mariam@lerachlaw.com
12 moniquew@lerachlaw.com
13 – and –
14 TRAVIS E. DOWNS III (148274)
15 BENNY C. GOODMAN III (211302)
16 THOMAS G. WILHELM (234980)
17 655 West Broadway, Suite 1900
18 San Diego, CA 92101
19 Telephone: 619-231-1058
20 619/231-7423 (fax)
21 travisd@lerachlaw.com
22 bennyg@lerachlaw.com
23 twilhelm@lerachlaw.com

14 Attorneys for Plaintiff

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 WILLIAM HERGOTZ, Derivatively on Behalf) No. C-06-3783-JF
19 of Nominal Defendant SANMINA-SCI)
20 CORPORATION,) STIPULATION AND [PROPOSED] ORDER
21 Plaintiff,) CONSOLIDATING CASES FOR ALL
22 vs.) PURPOSES, APPOINTING LEAD
23 JURE SOLA, et al.,) PLAINTIFFS AND CO-LEAD COUNSEL
24 Defendants,) AND SETTING SCHEDULE FOR FILING
25 – and –) OF CONSOLIDATED COMPLAINT
26 SANMINA-SCI CORPORATION,)
27 Nominal Defendant.)

28 [Caption continued on following page.]

1 KENNETH SAUNDERS, Derivatively on)
2 Behalf of Nominal Defendant SANMINA-SCI)
3 CORPORATION,) No. C-06-03804-JF(HRL)
4 Plaintiff,)
5 vs.)
6 JURE SOLA, et al.,)
7 Defendants,)
8 – and –)
9 SANMINA-SCI CORPORATION,)
10 Nominal Defendant.)

10 WOLLASTON G. MORIN, IN THE RIGHT) No. C-06-04260-RMW(HRL)
11 OF AND FOR THE BENEFIT OF)
12 SANMINA-SCI CORPORATION,)
13 Plaintiff,)
14 vs.)
15 JURE SOLA, et al.,)
16 Defendants,)
17 – and –)
18 SANMINA-SCI CORPORATION,)
19 Nominal Defendant.)

20 [Caption continued on following page.]

1 ALASKA ELECTRICAL PENSION FUND,)
2 Derivatively on Behalf of SANMINA-SCI)
3 CORPORATION,)
4) No. C-06-4389-JW(HRL)
5)
6)
7)
8 JURE SOLA, et al.,)
9)
10)
11)
12)
13)
14)
15 SANMINA-SCI CORPORATION, a Delaware)
16 corporation,)
17)
18)
19)
20)

Plaintiff,

vs.

Defendants,

– and –

SANMINA-SCI CORPORATION, a Delaware)
corporation,)

Nominal Defendant.

10 WILLIAM A. HALLETT, JR., et al.,)
11 Derivatively on Behalf of SANMINA-SCI)
12 CORPORATION,)
13)
14)
15)
16)
17)
18)
19)

No. C-06-04494-PVT

Plaintiffs,

vs.

JURE SOLA, et al.,)

Defendants,

– and –

SANMINA-SCI CORPORATION, a Delaware)
corporation,)

Nominal Defendant.

20

21

22

23

24

25

26

27

28

1 WHEREAS, there are five related shareholder derivative actions on behalf of Nominal
 2 Defendant Sanmina-SCI Corporation (“Sanmina”) pending in this district:

3 Abbreviated Case Name	4 Case Number	5 Date Filed
6 <i>Hergotz v. Jure Sola, et al.</i>	7 C-06-03783-JF	8 June 15, 2006
9 <i>Saunders v. Jure Sola, et al.</i>	10 C-06-03804-JF	11 June 16, 2006
12 <i>Morin v. Jure Sola, et al.</i>	13 C-06-04260-RMW	14 July 11, 2006
15 <i>Alaska Electrical Pension Fund v. Jure Sola, et al.</i>	16 C-06-04389-JW	17 July 18, 2006
18 <i>Hallett, et al. v. Jure Sola, et al.</i>	19 C-06-04494-PVT	20 July 24, 2006

21 WHEREAS, the five related shareholder derivative actions arise out of the same transactions
 22 and occurrences and involve the same or substantially similar issues of law and fact, and, therefore,
 23 should be consolidated for all purposes under Fed. R. Civ. P. 42(a);

24 WHEREAS, on August 4, 2006, Alaska Electrical Pension Fund and Helen G. McGowan
 25 filed a Notice of Motion and Motion Consolidating Cases and for the Appointment of Lead
 26 Plaintiffs, with its selection of Lerach Coughlin Stoia Geller Rudman & Robbin LLP as Lead
 27 Counsel;

28 WHEREAS, on August 4, 2006, William Hergotz and Kenneth Saunders filed a Notice of
 29 Motion and Motion to Consolidate Related Shareholder Actions and Appoint Lead Plaintiffs, Co-
 30 Lead Counsel and Liaison Counsel, selecting the law firms of Schiffriin & Barroway, LLP and
 31 Brodsky & Smith, LLC as Co-Lead Counsel;

32 WHEREAS, Nominal Defendant Sanmina takes no position as to the appointment of the
 33 Alaska Electrical Pension Fund and William Hergotz as Lead Plaintiffs and Lerach Coughlin Stoia
 34 Geller Rudman & Robbins LLP and Schiffriin & Barroway, LLP as Co-Lead Counsel;

35 WHEREAS, after meeting and conferring, all Lead Plaintiff applicants agree that Alaska
 36 Electrical Pension Fund and William Hergotz should be appointed Lead Plaintiffs and Lerach
 37 Coughlin Stoia Geller Rudman & Robbins LLP and Schiffriin & Barroway, LLP should be appointed
 38 Co-Lead Counsel;

39

40

41 STIP AND [PROP] ORDER CONS CASES FOR ALL PURPOSES, APPTG LEAD PLTFS AND CO-
 42 LEAD COUNSEL AND SET SCHED FOR FILING OF CONS COMPLAINT - C-06-3783-JF

1 WHEREAS, counsel for plaintiffs and Nominal Defendant Sanmina have met and conferred
 2 and have agreed to a schedule for filing a Consolidated Complaint and for briefing any motion
 3 directed at the Consolidated Complaint; and

4 WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial
 5 efficiency, and will not cause prejudice to any party.

6 THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs and Nominal Defendant
 7 Sanmina, through their respective counsel of record, as follows:

8 **I. CONSOLIDATION OF ACTIONS**

9 1. The following actions are hereby consolidated for all purposes, including pretrial
 10 proceedings, trial and appeal:

11 Abbreviated Case Name	Case Number	Date Filed
12 <i>Hergotz v. Jure Sola, et al.</i>	C-06-03783-JF	June 15, 2006
13 <i>Saunders v. Jure Sola, et al.</i>	C-06-03804-JF	June 16, 2006
14 <i>Morin v. Jure Sola, et al.</i>	C-06-04260-RMW	July 11, 2006
15 <i>Alaska Electrical Pension Fund v. Jure Sola, et al.</i>	C-06-04389-JW	July 18, 2006
16 <i>Hallett, et al. v. Jure Sola, et al.</i>	C-06-04494-PVT	July 24, 2006

17 2. The caption of these consolidated actions shall be "*In re Sanmina-SCI Corp. Derivative Litigation*" and the files of these consolidated actions shall be maintained in one file
 18 under Master File No. C-06-03783-JF. Any other actions now pending or later filed in this Court
 19 which arise out of or are related to the same facts as alleged in the above-identified cases shall be
 20 consolidated for all purposes, if and when they are brought to the Court's attention.

21 3. Every pleading filed in the consolidated actions, or in any separate action included
 22 herein, shall bear the following caption:
 23
 24
 25
 26
 27
 28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re SANMINA-SCI CORP.
DERIVATIVE LITIGATION) Master File No. C-06-03783-JF

This Document Relates To:)

4. When a pleading is intended to be applicable to all actions governed by this Order, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption set out above. When a pleading is intended to be applicable to only some, but not all, of the consolidated actions, this Court's docket number for each individual action to which the pleading is intended to be applicable and the abbreviated case name of said action shall appear immediately after the words "This Document Relates To:" in the caption described above (e.g., "No. C-06-04389-JW, *Alaska Electrical Pension Fund v. Jure Sola, et al.*").

5. A Master Docket and a Master File hereby are established for the above consolidated proceedings and for all other related cases filed in or transferred to this Court. Separate dockets shall continue to be maintained for each of the individual actions hereby consolidated, and entries shall be made in the docket of each individual case in accordance with the regular procedures of the clerk of this Court, except as modified by this Order.

6. When a pleading is filed and the caption shows that it is applicable to "All Actions," the clerk shall file such pleading in the Master File and note such filing on the Master Docket. No further copies need be filed, and no other docket entries need be made.

7. When a pleading is filed and the caption shows that it is to be applicable to fewer than all of the consolidated actions, the clerk will file such pleading in the Master File only but shall docket such filing on the Master Docket and the docket of each applicable action.

8. When a case which properly belongs as part of *In re Sanmina-SCI Corp. Derivative Litigation* is filed in this Court or transferred to this Court from another court and assigned to Judge Fogel, the clerk of this Court shall:

- 1 (a) Place a copy of this Order in the separate file for such action;
- 2 (b) Mail to the attorneys for the plaintiff(s) in the newly-filed or transferred case a
- 3 copy of this Order and direct that this Order be served upon or mailed to any new defendant(s) or
- 4 their counsel in the newly-filed or transferred case; and
- 5 (c) Make an appropriate entry on the Master Docket. This Court requests the
- 6 assistance of counsel in calling to the attention of the clerk of this Court the filing or transfer of any
- 7 case which properly might be consolidated as part of *In re Sanmina-SCI Corp. Derivative Litigation.*

8 **II. APPOINTMENT OF LEAD PLAINTIFFS AND CO-LEAD COUNSEL**

9 9. Plaintiffs Alaska Electrical Pension Fund and William Hergotz shall be appointed
10 Lead Plaintiffs.

11 10. The law firms of Lerach Coughlin Stoia Geller Rudman & Robbins LLP and
12 Schiffrrin & Barroway, LLP shall be appointed Co-Lead Counsel for plaintiffs in the consolidated
13 *Sanmina* shareholder derivative actions.¹

14 11. Co-Lead Counsel shall have authority to speak for plaintiffs in matters regarding
15 pretrial and trial procedure and settlement negotiations, and shall make all work assignments in such
16 manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative
17 or unproductive effort.

18 12. Co-Lead Counsel shall be responsible for coordination of all activities and
19 appearances on behalf of plaintiffs and for the dissemination of notices and orders of this Court. No
20 motion, request for discovery or other pretrial proceedings shall be initiated or filed by plaintiffs
21 except through Co-Lead Counsel.

22 13. Co-Lead Counsel also shall be available and responsible for communications to and
23 from this Court. Co-Lead Counsel shall be responsible for the creation and maintenance of a master
24 service list of all parties and their respective counsel.

25

26 1 Nominal Defendant Sanmina takes no position as to the appointment of the Alaska Electrical
27 Pension Fund and William Hergotz as Lead Plaintiffs and Lerach Coughlin Stoia Geller Rudman &
28 Robbins LLP and Schiffrrin & Barroway, LLP as Co-Lead Counsel.

1 14. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel, or
2 other duly authorized representatives of plaintiffs, and such agreements shall be binding on
3 plaintiffs.

4 | III. SCHEDULE

5 15. Plaintiffs shall no later than 60 days from the entry of this Order file and serve a
6 Consolidated Complaint which will supersede all existing complaints filed in these actions.
7 Defendants need not respond to any of the pre-existing complaints. Service shall be effected with
8 respect to Nominal Defendant Sanmina by serving the Consolidated Complaint on counsel for
9 Nominal Defendant Sanmina.

10 16. Nominal Defendant Sanmina shall answer or otherwise respond to the Consolidated
11 Complaint no later than 45 days from the date of service. In the event that Nominal Defendant
12 Sanmina files and serves any motion directed at the Consolidated Complaint, plaintiffs shall file and
13 serve their opposition within 45 days after the service of the motion. If Nominal Defendant Sanmina
14 files and serves a reply to plaintiffs' opposition, it will do so within 15 days after service of the
15 opposition.

16 IT IS SO STIPULATED.

17 | DATED: August 18, 2006

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
SHAWN A. WILLIAMS
MARIA V. MORRIS
MONIQUE C. WINKLER

/s/
MONIQUE C. WINKLER

100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
TRAVIS E. DOWNS III
BENNY C. GOODMAN III
THOMAS G. WILHELM
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

[Proposed] Co-Lead Counsel for Plaintiffs

I, Monique C. Winkler, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby attest that ROBIN WINCHESTER have concurred in this filing.

DATED: August 18, 2006

SCHIFFRIN & BARROWAY, LLP
ERIC L. ZAGAR
SEAN M. HANDLER
ROBIN WINCHESTER

/s/

280 King of Prussia Road
Radnor, PA 19087
Telephone: 610/667-7706
610/667-7056 (fax)

[Proposed] Co-Lead Counsel for Plaintiffs

I, Monique C. Winkler, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby attest that EVAN J. SMITH have concurred in this filing.

DATED: August 18, 2006

BRODSKY & SMITH, LLC
EVAN J. SMITH

/s/
EVAN J. SMITH

STIP AND [PROP] ORDER CONS CASES FOR ALL PURPOSES, APPTG LEAD PLTFS AND CO-LEAD COUNSEL AND SET SCHED FOR FILING OF CONS COMPLAINT - C-06-3783-JE

1

9595 Wilshire Boulevard, Suite 900
Beverly Hills, CA 90212
Telephone: 310/300-8425
310/247-0160 (fax)

4

Counsel for Plaintiff Saunders

5

I, Monique C. Winkler, am the ECF User whose ID and password are being used to file
this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B.,
I hereby attest that BETSY C. MANIFOLD have concurred in this filing.

7

DATED: August 18, 2006

WOLF HALDENSTEIN ADLER FREEMAN &
HERZ LLP
BETSY C. MANIFOLD

8

/s/
BETSY C. MANIFOLD

Symphony Towers
750 B. Street, Suite 2770
San Diego, CA 92101
Telephone: 619/239-4599
619/234-4599 (fax)

Counsel for Plaintiff Morin

16

I, Monique C. Winkler, am the ECF User whose ID and password are being used to file
this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B.,
I hereby attest that NORMAN J. BLEARS have concurred in this filing.

17

HELLER EHRMAN LLP
NORMAN J. BLEARS
MICHAEL L. CHARLSON
NICOLE M. RYAN

/s/
NORMAN J. BLEARS

1

275 Middlefield Road
Menlo Park, CA 94025
Telephone: 650/324-7000
650/324-0638 (fax)

2

3

4

5

6

Counsel for Nominal Defendant Sanmina-SCI
Corporation

7

* * *

ORDER

8

PURSUANT TO STIPULATION, IT IS SO ORDERED.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

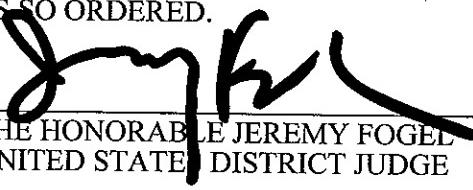
24

25

26

27

28



THE HONORABLE JEREMY FOGEL
UNITED STATES DISTRICT JUDGE

T:\cases\SF\sanmina\STP00033927.doc

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

MONIQUE C. WINKLER /s/

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)
E-mail: moniquew@lerachlaw.com

Mailing Information for a Case 5:06-cv-03783-JF

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Michael L. Charlson**
michael.charlson@hellerehrman.com
susan.griffinpreston@hellerehrman.com;karen.strong@hellerehrman.com;jennifer.cygnor@hellere
- **Robert S. Green**
RSG@CLASSCOUNSEL.COM CAND.USCOURTS@CLASSCOUNSEL.COM
- **Betsy C. Manifold**
manifold@whafh.com
- **Shawn A. Williams**
shawnw@lerachlaw.com
e_file_sd@lerachlaw.com;e_file_sf@lerachlaw.com;MariaM@lerachlaw.com;MoniqueW@lerach
- **Eric L. Zagar**
ezagar@sbcclasslaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Sandra G Smith
Schiffrrin & Barroway LLP
280 King of Purssia Rd
Rannor, PA 19087

EXHIBIT E

E-filed 9/6/06

1 LERACH COUGHLIN STOIA GELLER
 2 RUDMAN & ROBBINS LLP
 3 WILLIAM S. LERACH (68581)
 4 DARREN J. ROBBINS (168593)
 5 TRAVIS E. DOWNS III (148274)
 6 655 West Broadway, Suite 1900
 7 San Diego, CA 92101
 Telephone: 619/231-1058
 8 619/231-7423 (fax)
 billl@lerachlaw.com
 9 darrenr@lerachlaw.com
 travisd@lerachlaw.com
 — and —
 10 SHAWN A. WILLIAMS (213113)
 11 MARIA V. MORRIS (223903)
 12 MONIQUE C. WINKLER (213031)
 13 100 Pine Street, Suite 2600
 San Francisco, CA 94111
 14 Telephone: 415/288-4545
 15 415/288-4534 (fax)
 16 swilliams@lerachlaw.com
 mariam@lerachlaw.com
 moniquew@lerachlaw.com

17 SCHIFFRIN & BARROWAY, LLP
 ERIC L. ZAGAR
 18 SEAN M. HANDLER
 19 280 King of Prussia Road
 Radnor, PA 19087
 Telephone: 610/667-7706
 20 610/667-7056 (fax)
 21 ezagar@sbcclasslaw.com
 shandler@sbcclasslaw.com

22 [Proposed] Co-Lead Counsel for Plaintiffs

23 UNITED STATES DISTRICT COURT
 24 NORTHERN DISTRICT OF CALIFORNIA
 25 SAN JOSE DIVISION

26 VIKEN KALINDJIAN, Derivatively on Behalf of Nominal Defendant TRIDENT) No. C-06-3440-JF
 27 MICROSYSTEMS, INC.)
 Plaintiff, vs.) STIPULATION AND [PROPOSED] ORDER
) CONSOLIDATING CASES FOR ALL
) PURPOSES, APPOINTING LEAD
) PLAINTIFFS AND CO-LEAD COUNSEL
) AND SETTING SCHEDULE FOR FILING
) OF CONSOLIDATED COMPLAINT
 28 GLEN M. ANTLE, JUNG-HERNG CHANG,)
 YASUSHI CHIKAGAMI, PETER JEN,)
 FRANK C. LIN, GERRY LIU, JOHN LUKE,)

STIP & [PROPOSED] ORDER CONSOL CASES FOR ALL PURPOSES, APPOINTING LEAD PLTFS & CO-LEAD COUNSEL & SETTING SCHED FOR FILING OF CONSOL COMP - C-06-3440-JF

1 AMIR MASHKOORI, MILLARD PHELPS,)
 2 and W. STEPHEN ROWE,)
 3 Defendants,)
 4 – and –)
 5 TRIDENT MICROSYSTEMS, INC.,)
 6 Nominal Defendant.)
 7 _____)

TO BE CONSOLIDATED WITH

8 GERALD W. KEENEY, Derivatively on) No. C-06-4329-JF
 9 Behalf of TRIDENT MICROSYSTEMS,)
 10 INC.,)
 11 Plaintiff,)
 12 vs.)
 13 FRANK C. LIN, PETER JEN, JOHN S.)
 14 EDMUNDS, JUNG-HERNG CHANG,)
 15 YASUSHI CHIKAGAMI, MILLARD)
 16 PHELPS, GLEN M. ANTLE and JOHN)
 17 LUKE,)
 18 Defendants,)
 19 – and –)
 20 TRIDENT MICROSYSTEMS, INC., a)
 21 Delaware corporation,)
 22 Nominal Defendant.)
 23 _____)

24 WHEREAS, there are two related shareholder derivative actions on behalf of Nominal
 25 Defendant Trident Microsystems, Inc. pending before this Court:

Abbreviated Case Name	Case Number	Date Filed
<i>Kalindjian v. Antle, et al.</i>	C-06-3440-JF	05/26/06
<i>Keeney v. Lin, et al.</i>	C-06-4329-JF	07/14/06

26 WHEREAS, the two related *Trident Microsystems* shareholder derivative actions arise out of
 27 the same transactions and occurrences and involve the same or substantially similar issues of law and
 28 fact, and, therefore, should be consolidated for all purposes under Fed. R. Civ. P. 42(a).

STIP & [PROPOSED] ORDER CONSOL CASES FOR ALL PURPOSES, APPOINTING LEAD PLTFS
 & CO-LEAD COUNSEL & SETTING SCHED FOR FILING OF CONSOL COMP - C-06-3440-JF

1 WHEREAS, plaintiffs and defendants agree that any other actions filed in or transferred to
2 this Court which arise out of or relate to the same facts as alleged in the above-referenced actions
3 should be consolidated for all purposes under Fed. R. Civ. P. 42(a).

4 WHEREAS, plaintiffs and defendants agree that judicial economy will be served by the entry
5 of a schedule for the filing of answers or other responses to the Consolidated Complaint.

6 THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs and defendants, through
7 their respective counsel of record, as follows:

8 **I. CONSOLIDATION OF ACTIONS**

9 1. The following actions are hereby consolidated for all purposes, including pretrial
10 proceedings, trial and appeal:

11 Abbreviated Case Name	12 Case Number	13 Date Filed
<i>Kalindjian v. Antle, et al.</i>	C-06-3440-JF	05/26/06
<i>Keeney v. Lin, et al.</i>	C-06-4329-JF	07/14/06

14 2. The caption of these consolidated actions shall be "*In re Trident Microsystems, Inc.*
15 *Derivative Litigation*" and the files of these consolidated actions shall be maintained in one file
16 under Master File No. C-06-3440-JF. Any other actions now pending or later filed in this Court
17 which arise out of or are related to the same facts as alleged in the above-identified cases shall be
18 consolidated for all purposes, if and when they are brought to the Court's attention.

19 3. Every pleading filed in the consolidated actions, or in any separate action included
20 herein, shall bear the following caption:
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re TRIDENT MICROSYSTEMS,
Inc., DERIVATIVE LITIGATION } Master File No. C-06-3440-JF

This Document Relates To:

4. When a pleading is intended to be applicable to all actions governed by this Order, the words "All Actions" shall appear immediately after the words "This Document Relates To": in the caption set out above. When a pleading is intended to be applicable to only some, but not all, of the consolidated actions, this Court's docket number for each individual action to which the pleading is intended to be applicable and the abbreviated case name of said action shall appear immediately after the words "This Document Relates To": in the caption described above (e.g., "No. C-06-3440-JF, *Kalindjian v. Antle, et al.*").

5. A Master Docket and a Master File hereby are established for the above consolidated proceedings and for all other related cases filed in or transferred to this Court. Separate dockets shall continue to be maintained for each of the individual actions hereby consolidated, and entries shall be made in the docket of each individual case in accordance with the regular procedures of the clerk of this Court, except as modified by this Order.

6. When a pleading is filed and the caption shows that it is applicable to "All Actions," the clerk shall file such pleading in the Master File and note such filing on the Master Docket. No further copies need be filed, and no other docket entries need be made.

7. When a pleading is filed and the caption shows that it is to be applicable to fewer than all of the consolidated actions, the clerk will file such pleading in the Master File only but shall docket such filing on the Master Docket and the docket of each applicable action.

1 8. When a case which properly belongs as part of *In re Trident Microsystems, Inc.*

2 *Derivative Litigation* is filed in this Court or transferred to this Court from another court, the clerk of
3 this Court shall:

4 (a) Place a copy of this Order in the separate file for such action;

5 (b) Mail to the attorneys for the plaintiff(s) in the newly filed or transferred case a
6 copy of this Order and direct that this Order be served upon or mailed to any new defendant(s) or
7 their counsel in the newly filed or transferred case; and

8 (c) Make an appropriate entry on the Master Docket. This Court requests the
9 assistance of counsel in calling to the attention of the clerk of this Court the filing or transfer of any
10 case which properly might be consolidated as part of *In re Trident Microsystems, Inc. Derivative*
11 *Litigation*.

12 **II. APPOINTMENT OF LEAD PLAINTIFFS AND CO-LEAD COUNSEL**

13 It is further stipulated by plaintiffs only that:

14 9. Plaintiffs, Viken Kalindjian and Gerald W. Keeney shall be appointed Lead Plaintiffs.

15 10. The law firms of Lerach Coughlin Stoia Geller Rudman & Robbins LLP and
16 Schiffrin & Barroway, LLP shall be appointed Co-Lead Counsel for plaintiffs in the consolidated
17 *Trident Microsystems* shareholder derivative actions.

18 11. Co-Lead Counsel shall have authority to speak for plaintiffs in matters regarding
19 pretrial and trial procedure and settlement negotiations, and shall make all work assignments in such
20 manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative
21 or unproductive effort.

22 12. Co-Lead Counsel shall be responsible for coordination of all activities and
23 appearances on behalf of plaintiffs and for the dissemination of notices and orders of this Court. No
24

1 motion, request for discovery or other pretrial proceedings shall be initiated or filed by plaintiffs
2 except through Co-Lead Counsel.

3 13. Co-Lead Counsel also shall be available and responsible for communications to and
4 from this Court. Co-Lead Counsel shall be responsible for the creation and maintenance of a master
5 service list of all parties and their respective counsel.
6

7 14. Defendants take no position on the appointment of Lead Plaintiffs or Co-Lead
8 Counsel.
9

10 15. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel, or
11 other duly authorized representatives of plaintiffs, and such agreements shall be binding on
12 plaintiffs.
13

III. SCHEDULE

14 16. Plaintiffs shall have 60 days from the entry of this Order to file and serve a
15 Consolidated Complaint which will supersede all existing complaints filed in these actions.
16 Defendants need not respond to any of the pre-existing complaints. Service, pursuant to Rule 4 of
17 the Federal Rules of Civil Procedure, of any of the pre-existing complaints on any of the defendants,
18 or their counsel, shall constitute sufficient service on that defendant. Service shall be effected with
19 respect to any defendant named in any of the consolidated actions by serving the Consolidated
20 Complaint on that defendant's counsel.
21

22 17. Each defendant shall answer or otherwise respond to the Consolidated Complaint no
23 later than 45 days from the date of service. In the event that defendants file and serve any motion
24 directed at the Consolidated Complaint, plaintiffs shall file and serve their opposition within 45 days
25
26
27
28

1 after the service of defendants' motion. If defendants file and serve a reply to plaintiffs' opposition,
2 they will do so within 15 days after service of the opposition.

³ DATED: August 31, 2006

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
SHAWN A. WILLIAMS
MARIA V. MORRIS
MONIQUE C. WINKLER

/S/

MONIQUE C. WINKLER

100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
WILLIAM S. LERACH (68581)
DARREN J. ROBBINS (168593)
TRAVIS E. DOWNS III (148274)
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

[Proposed] Co-Lead Counsel for Plaintiffs

18 I, MONIQUE C. WINKLER, am the ECF User whose ID and password are being used to
19 file this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45,
20 X.B., I hereby attest that ROBIN WINCHESTER have concurred in this filing.

22 || DATED: August 31, 2006

SCHIFFRIN & BARROWAY, LLP
SEAN M. HANDLER
ROBIN WINCHESTER

/s/
ROBIN WINCHESTER

280 King of Prussia Road
Radnor, PA 19087
Telephone: 610/667-7706
610/667-7056 (fax)

1 after the service of defendants' motion. If defendants file and serve a reply to plaintiffs' opposition,
2 they will do so within 15 days after service of the opposition.

3 DATED: August , 2006

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
SHAWN A. WILLIAMS
MARIA V. MORRIS
MONIQUE C. WINKLER

MONIQUE C. WINKLER

100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
WILLIAM S. LERACH (68581)
DARREN J. ROBBINS (168593)
TRAVIS E. DOWNS III (148274)
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

[Proposed] Co-Lead Counsel for Plaintiffs

DATED: August , 2006

SCHIFFRIN & BARROWAY, LLP
SEAN M. HANDLER
ROBIN WINCHESTER

ROBIN WINCHESTER

280 King of Prussia Road
Radnor, PA 19087
Telephone: 610/667-7706
610/667-7056 (fax)

[Proposed] Co-Lead Counsel for Plaintiffs

DATED: August 25, 2006

SHEARMAN & STERLING LLP
JEFFREY S. FACTER

JEFFREY S. FACTER

STIP & [PROPOSED] ORDER CONSOL CASES FOR ALL PURPOSES, APPOINTING LEAD PLTFS & CO-LEAD COUNSEL & SETTING SCHED FOR FILING OF CONSOL COMP - C-06-3440-JF

1

2 525 Market Street
 3 San Francisco, CA 94105
 Telephone: 415/616-1100
 4 415/616-1199 (fax)

5 Counsel for Defendant Frank C. Lin

6 DATED: August 30, 2006

7 HOWARD RICE NEMEROVSKI CANADY
 8 FALK & RABKIN, A Professional Corporation
 SARAH A. GOOD
 JIN H. KIM

9 
 10 Three Embarcadero Center, Seventh Floor,
 San Francisco, CA 94111-4024
 11 Telephone: 415/434-1600
 12 415/217-5910 (fax)

13 Counsel for Defendants Glen M. Antle, Jung-
 14 Herrng Chang, Yasushi Chikagami, Peter Jen,
 Gerry Liu, John Luke, Amir Mashkoori, Millard
 Phelps, and W. Steven Rowe

15 DATED: August , 2006

16 PILLSBURY WINTHROP SHAW
 17 PITTMAN, LLP
 CHARLES J. LANDY
 WALTER J. ROBINSON
 THOMAS G. ALLEN

18

 WALTER J. ROBINSON

19 2475 Hanover Street
 Palo Alto, CA 94304-1114
 20 Telephone: 650/233-4500
 21 650/233-4545 (fax)

22 PILLSBURY WINTHROP SHAW
 23 PITTMAN, LLP
 CHARLES J. LANDY
 24 THOMAS G. ALLEN
 25 2300 N Street N.W.
 Washington D.C. 20037
 Telephone: 202/663-8000
 26 202/663-8007 (fax)

27 Counsel for Defendant John S. Edmunds

28 STIP & [PROPOSED] ORDER CONSOL CASES FOR ALL PURPOSES, APPOINTING LEAD PLTFS
 & CO-LEAD COUNSEL & SETTING SCHED FOR FILING OF CONSOL COMP - C-06-3440-JF

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

525 Market Street
San Francisco, CA 94105
Telephone: 415/616-1100
415/616-1199 (fax)

Counsel for Defendant Frank C. Lin

DATED: August __, 2006

HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN, A Professional Corporation
SARAH A. GOOD
JIN H. KIM

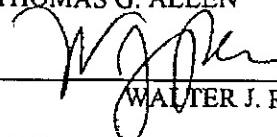
JIN H. KIM

Three Embarcadero Center, Seventh Floor,
San Francisco, CA 94111-4024
Telephone: 415/434-1600
415/217-5910 (fax)

Counsel for Defendants Glen M. Antle, Jung-
Herng Chang, Yasushi Chikagami, Peter Jen,
Gerry Liu, John Luke, Amir Mashkoori, Millard
Phelps, and W. Steven Rowe

DATED: August 21, 2006

PILLSBURY WINTHROP SHAW
PITTMAN, LLP
CHARLES J. LANDY
WALTER J. ROBINSON
THOMAS G. ALLEN



WALTER J. ROBINSON

2475 Hanover Street
Palo Alto, CA 94304-1114
Telephone: 650/233-4500
650/233-4545 (fax)

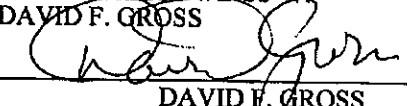
PILLSBURY WINTHROP SHAW
PITTMAN, LLP
CHARLES J. LANDY
THOMAS G. ALLEN
2300 N Street N.W.
Washington D.C. 20037
Telephone: 202/663-8000
202/663-8007 (fax)

Counsel for Defendant John S. Edmunds

STIP & [PROPOSED] ORDER CONSOL CASES FOR ALL PURPOSES, APPOINTING LEAD PLTFS
& CO-LEAD COUNSEL & SETTING SCHED FOR FILING OF CONSOL COMP - C-06-3440-JF

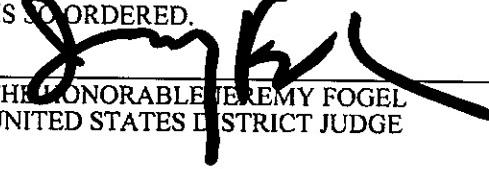
1 DATED: August 31, 2006

2 DLA PIPER RUDNICK GRAY CARY
3 SHIRLI FABRILWEISS
4 DAVID F. GROSS


5 DAVID F. GROSS

6 153 Townsend Street, Suite 800
7 San Francisco, CA 94107
8 Telephone: 415/836-2562
9 415/836-2501 (fax)

10 * * *
11 ORDER
12 PURSUANT TO STIPULATION, IT IS SO ORDERED.
13 DATED: 9/5/06

14 
15 THE HONORABLE JEREMY FOGEL
16 UNITED STATES DISTRICT JUDGE

17 t:\cases\trident deriv\stip00033423.doc
18
19
20
21
22
23
24
25
26
27
28

STIP & [PROPOSED] ORDER CONSOL CASES FOR ALL PURPOSES, APPOINTING LEAD PLTFS
& CO-LEAD COUNSEL & SETTING SCHED FOR FILING OF CONSOL COMP - C-06-3440-JF

1

CERTIFICATE OF SERVICE

2 I hereby certify that on August 31, 2006, I electronically filed the foregoing with the Clerk of
3 the Court using the CM/ECF system which will send notification of such filing to the e-mail
4 addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have
5 mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF
6 participants indicated on the attached Manual Notice List.

7

8

/s/ Monique C. Winkler
MONIQUE C. WINKLER

9

10

11

12

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)
E-mail: moniquew@lerachlaw.com

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Mailing Information for a Case 5:06-cv-03440-JF

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- Robert S. Green
RSG@CLASSCOUNSEL.COM CAND.USCOURTS@CLASSCOUNSEL.COM
- Eric L. Zagar
ezagar@sbcclasslaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Gerald W. Keeney